

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment claim 20 is added, no claims are canceled and claims 8, 15 and 19 are amended. As a result, claims 1-20 are now pending in the application. Support for the claim amendments and newly added claim can be found throughout the disclosure, for example, at page 5 of the specification.

In the Office Action of April 9, 2007, claims 1-19 are rejected under 35 U.S.C. §103(a) in view of the published International Application WO 92/22983 ("Browne") and further in view of the published U.S. Patent Application 2002/0066113 ("Utsunomiya").

35 U.S.C. §103 Rejection

The §103(a) rejection of claims 1-19 in view of the hypothetical combination of Browne and Utsunomiya is respectfully traversed.

The present Gateway invention pertains to the storage and distribution of programs recorded by a Personal Video Recorder (PVR). In various embodiments the PVR has a first memory and a network interface connected via a network to a second memory. Virtual storage management (VSM) logic is used to track the location of the second memory on the network. The VSM can store a portion of a program P being recorded by the PVR in the second memory in the event the first memory does not have enough capacity for the program.

The Office Action rejects all claims under §103(a) in view of the Browne/Utsunomiya hypothetical combination. The Office Action relies upon the Browne published International

Application to show an example of a recording device for storing television programs. The Office action points to the storage section 104 of Browne as an example of a first memory recited in the claims, and contends that the optional storage section 104b is an example of a second memory. The Office Action acknowledges that Browne does not teach or suggest VSM logic, as recited in the claims. In an effort to overcome this deficiency of Browne the Office Action introduces the Utsunomiya published patent application, contending that Utsunomiya teaches the features missing from Browne. However, it is respectfully submitted that the hypothetical combination of Browne and Utsunomiya would not operate in the manner proposed in the Office Action.

The Office Action contends that optional storage section 104b of Browne is a second memory, as recited in the claims. However, the optional storage section 104b is a removable storage device, possibly a floppy disk within a disk drive or other such removable storage device. According to Browne, the optional storage section 104b with removable media that can be added or removed so that “users have control over the total amount of ‘on-line’ storage capacity of the multi-source recorder player 100.” While the ability of Browne’s system to control the amount of storage capacity may be advantageous, it not understood how the location of this storage media, alleged to be the second memory, could be tracked—since the second memory of the hypothetical combination is a removable disk. In other words, when the removable media is removed for “long term storage of compressed data,” as is its stated purpose in Browne, it is believed that the Utsunomiya system would not be able to track its location. For example, if a user stores a television program requiring more capacity than is available in the first memory, a portion of it may be stored in the second memory. In accordance with embodiments of the

claimed invention these portions of the stored television program are tracked by the virtual storage management (VSM) logic. However, an attempt to use the Browne/Utsunomiya hypothetical combination would have a removable disk serving as the second memory. Since Browne's removable media is intended to be removed for long term storage, the VSM would not be able to track it as soon as it is removed for long term storage of compressed data.

Therefore, the hypothetical combination Browne and Utsunomiya do not teach or suggest “virtual storage management (VSM) logic configured to track the location of the second memory on the network,” as recited in claim 1, or the similar features recited in claim 8, or claims 15 and 19 (as amended).

New Claim

Claim 20 is added by this Amendment, reciting “wherein the VSM logic is configured as part of said PVR.” It is respectfully submitted that this feature is not taught or suggested by the prior art. For example, in the hypothetical combination of the Office Action, the Utsunomiya document is relied upon for its discussion of dispersed storage of television programs. However, rather than having VSM logic is configured as part of said PVR the Utsunomiya expressly states that “the dispersed storage location of the contents [is] managed by one of the electronic information devices connected to the bus.”¹

¹ Utsunomiya, paragraph [0083].

Deposit Account Authorization / Provisional Time Extension Petition

It is believed that no extension of time or additional fees are required for this filing. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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